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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,979	05/21/2001	Clive E. Olive	109433	7892
25944 7590 05/28/2004				
OLIFF & BERRIDGE, PLC				
P.O. BOX 19928				
ALEXANDRIA, VA 22320				
EXAMINER				
JOHNSON, STEPHEN				
ART UNIT		PAPER NUMBER		
3641		10		

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,979

Examiner

Stephen M. Johnson

Applicant(s)

OLIVE, CLIVE E.

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2003 and 26 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9-11, 13-15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 12 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to the objection.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, 9-11, 13-15, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Madden.

Madden discloses a nozzle arrangement for a gas turbine engine comprising:

- | | |
|--|----------|
| a) an exhaust nozzle; | 22,24 |
| b) a shroud with an exit aperture; and | 4,6,8,10 |
| c) duct means. | 25,26 |

3. Applicant's arguments are addressed as follows.

It is argued that portions 6, 8 do not constitute a shroud for the exhaust nozzle 22, 24. In response the term shroud is defined as something that covers or protects. Clearly walls 6, 8, and 10 act to both cover and protect exhaust nozzle 22, 24. It is further argued that flaps 22, 24 that make up the exhaust nozzle always extend beyond the exit plane of shroud 6, 8, 10. This is not convincing. Lower flap 24 is located upstream of the exit plane of the shroud (see fig. 1) and upper flap 22 can be moved to a location upstream of the exit plane (see fig. 3). With regard to the arguments that the exhaust nozzle is not translatable between first (exit plane upstream) and

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second positions (exit plane downstream) Madden disclosed actuators 52, 70. When the actuators are fully extended, one of the positions is obtained and when the actuators are fully compressed, the other of the positions is obtained.

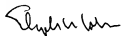
4. Claims 4, 8, 12, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Applicant's arguments filed 2/26/2003 have been fully considered but they are not persuasive. These arguments have been addressed in paragraph 3 above.

6. **THIS ACTION IS MADE FINAL.**

A statutory period for reply to this final action is set to expire SIX MONTHS from the mailing date of this action.

7. Any inquiry concerning this communication should be directed to Stephen M. Johnson at telephone number (703) 306-4158.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

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